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SUBJECT: Chad: 2007 Trafficking in Persons Report Part 2

REF: A) 06 State 202745, B) Ndjamena 0002

¶26. Of the report's recommendations, only the introduction of universal access to free primary education was introduced for the 2006/07 school year. Other recommendations concerning the enforcement of government regulations prohibiting children from working, a multi-ministerial anti-child labor campaign in the countryside, and protection measures to include centers for exploited children remain to be implemented. Officials in the ministries of justice, education and social affairs and in the Office of Labor Inspection have voiced concern at the lack of resources provided during 2006 to pursue their respective mandates.

¶27. Chad has no active program to monitor immigration and emigration patterns for evidence of trafficking or to screen for potential trafficking victims along its borders. As described in the Embassys submission for 2005, controlling Chad's expansive land borders is not possible, but there is no evidence suggesting major trafficking networks operating in or through Chad. While not systematic, the ministries of justice, public security and social action have organized training in victim identification and assistance to immigration, customs and police officials. The Embassy hosted a training session in 2005 on trafficking in persons for local judicial and law enforcement officers. In cases where children are recovered as the result of trafficking or other abuse, police and border officials are supposed to notify the Ministry of Justice and Social Action and human rights groups or religious institutions for victim assistance.

¶28. The Director for Children's Issues at the Ministry of Social Action is responsible for overall monitoring of the issues. According to the Directorate for Children within the Ministry of Justice, the Government intends to establish and budget for an interministerial committee on by the end of 2007 that would have among its responsibilities anti-trafficking coordination. Regional coordinating committees are also to be established in the countrys six prefectures by March 2007.

¶29. There is no formal, comprehensive annual anti-trafficking assessment that is issued to international and regional organizations. However, with UNICEF's assistance, the Government issued a report for 2006 on implementation of the provisions of the UN Convention on Children's Rights that included a section on anti-trafficking.

¶30. The Government of Chad has yet to issue a national plan of action to address trafficking in persons. The government is working with UNICEF on a study on the worst forms of child labor that is scheduled for completion in May 2007. The ministries of justice, public security, labor, education, and social action and family all support anti-trafficking programs that were derived from surveys prepared jointly with UNICEF and other relevant

non-governmental organizations.

Investigation and Prosecution of Traffickers

¶31. The following paragraphs are keyed to paragraphs 29 A through O of ref A.

¶32. No new anti-trafficking legislation was introduced in 2006. A draft decree that defines acceptable and unacceptable forms of child labor for application to the penal code has been completed and awaits approval of the Council of Ministers and the presidency. A Ministry of Justice official familiar with the draft decree told an Embassy officer that delays in action by the Council of Ministers on the decree were due to pressure from political interests opposed to application of decree provisions to stem child herding. Amendments to the penal code that prescribe imprisonment of up to twenty years of hard labor and fines of up to CFA 2 million (USD 4,000) have been drafted, but have yet to be submitted for approval. Trafficking cases are generally prosecuted under the existing penal code using charges of kidnapping, sale of children, and violations of labor statutes. To punish child trafficking, prosecutors also use an article in Chads labor code that prohibits the employment of children less than 14 years of age. This code prescribes fines of 147,000 to 294,000 FCFA (245 to 490 USD). Repeat offenders may be fined up to 882,000 FCFA (1,470 USD) and jailed from six days to three months. As a response to parental involvement in prostitution of young girls, the Government increased the penalty for prostitution of a minor by a relative or guardian. The crime is now punishable by five to ten years in prison and a fine of USD 200 to 2,000 (100,000 to 1,000,000 FCFA).

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¶33. In July 2006, the Government signed the Multilateral Accord on Regional Cooperation (MARC) to Combat Trafficking at Abuja. The accord places particular emphasis on the trafficking of women and children. Action has yet to be taken for the incorporation of the provisions of the accord into national law. Preparation of a comprehensive child protection code is to begin this year with the objective of completing the executive and legislative approval process by 2010. Among UNICEFs priorities in 2007 is to work with the Government of Chad on becoming a party to the UN Convention on Transnational Organized Crime, which includes a comprehensive section on the anti-trafficking responsibilities of states party to the convention.

¶34. Chad does not have a law specifically prohibiting trafficking in persons. There is no distinction between sex and labor trafficking in Chadian law.

¶35. The prescribed penalties under Chadian law for rape and forcible sexual assault include hard labor for life if the victim is less than 13 years old.

¶36. Prostitution and related activities are illegal. The law prohibits prostitution, pimping, and owning a brothel. In 2004, the Penal Code was revised to establish new punishments for the prostitution of a minor. The revised code provides for prison terms of between two months and two years and a fine of between 99 and 985 USD (50,000 to 500,000 FCFA).
(Note: The maximum fine is the equivalent of two years, income for the average Chadian. End Note.)

¶37. Of the trafficking cases reported in the 2005 report as pending, none of the accused traffickers were prosecuted. The accused fled pending prosecution, escaped from detention or were released. Human Rights without Frontiers (DHSF) reported several cases of child trafficking and sexual abuse in 2006, which it said were pursued under the kidnapping provisions of the penal code. DHSF alleges that absent its strong and persistent legal advocacy, the Chadian judicial system would not have adjudicated these cases. Following a 16-year-old girls call to an interactive

radio program on trafficking to report that she was being held (chained) against her will by a man, police rescued the child. According to DHSF, the man was not charged and prosecuted.

¶138. Justice in Chad is usually administered outside of the formal legal system by traditional authorities at the community level. In the formal sector, the Government's ability to collect information and prosecute cases in a timely manner is limited by the fact that there are only 150 judges in Chad and they must hand-write all court documents. As a result, cases move through the courts very slowly. Government investigative techniques are unsophisticated, consisting mostly of interrogations. The Government lacks the resources, equipment, and training to employ more sophisticated techniques. Government security agents are permitted to use covert operations in investigations. Labor inspectors and other enforcement officials report that they are not provided with the means, such as funds for transportation, needed to identify and investigate trafficking cases.

¶139. For the most part, Chadian law enforcement officials have not identified any one group behind trafficking in persons. The majority of trafficking involves parental consent in situations where the child is given to an intermediary or relative in exchange for education, apprenticeships, cattle, or a small sum. While child prostitution is apparent in N'Djamena, there is no evidence of third-party involvement. The Embassy security office investigated reports of an N'Djamena brothel having child prostitutes in January, 2007. The investigation revealed that none of the prostitutes were under age 17. However, there are intermediaries involved in arranging child herding contracts. Herders benefit from inexpensive labor. Poor families benefit by receiving livestock in exchange for the labor of their children. The intermediary finds the children for the herders and receives a small sum of money.

¶140. In 2005, the ministries of justice and public security provided training to key police, gendarmerie, military, and border officials in N'Djamena on how to recognize, investigate, and prosecute trafficking. These officials requested additional training on victim protection and the ministries had plans to provide the same training in other major cities in Chad. There was no follow-up action taken in 2006 to carry out these plans.

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¶14. Chad has signed cooperation agreements with Cameroon, Nigeria, the Central African Republic, and Sudan concerning trafficking and other cross-border issues. In May 2006, Central African Republic (CAR) and Chadian border officials worked together on the return of a CAR child kidnapped by a Chadian woman. For the most part, Chadian officials do not take the initiative to investigate reports of missing children alleged to have been taken to neighboring countries.

¶142. Chad has extradition reciprocity with ten other West and Central African countries. Chad has agreed to accept extradition requests put forward by other countries.

¶143. As cattle raising becomes an increasingly popular investment area for the well-to-do, local NGOs report that some local authorities, who own cattle herds, use intermediaries to recruit child herders in Mandoul. Officials in destination areas have raised the issue with the Ministry of Justice. The Government frequently changes local officials, which has made it difficult for the Ministry to complete investigations on them. There were no reports in 2006 of officials being removed for involvement in trafficking-related activities.

¶144. The Government of Chad has ratified the following international accords: ILO Convention 29 (November 10, 1969), ILO Convention 105 (June 8, 1961), and ILO 182 (November 6, 2000). The Government has signed the Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (May 8, 2000). The Government has not signed the Protocol to

Prevent, Suppress and Punish Trafficking in Persons, Specifically Women and Children.

Protection and Assistance to Victims

¶45. The following paragraphs are keyed to questions raised in paragraph 30 A through I of ref A.

¶46. The Government lacks shelters and functioning health care facilities for victims of any crime. Generally, when trafficked children are identified and recovered by the authorities, local religious institutions or human rights organizations, there are no shelters or rehabilitation facilities where they can be placed. According to UNICEF, this constitutes a fundamental programmatic weakness in its joint efforts with the government.

¶47. Currently, the police or other local authorities are to notify the Ministry of Justices Child Protection Department, UNICEF, and local NGOs when there is a case of child trafficking or child abuse. In most cases, the local police or gendarmerie are the first points of contact.

¶48. The Government does not arrest or detain victims. According to the Ministry of Justice, child victims are not prosecuted for violations of other statutes.

¶49. The Government encourages victims to assist in investigation and prosecution of traffickers. Victims can file civil suits to seek damages from traffickers but this is rarely done because victims cannot afford a lawyer. In cases involving child herders, local officials and/or NGO advocates have negotiated settlements between the herder for damages or fulfillment of the contract terms on behalf of the family. There is no official victim restitution program.

¶50. Chads judiciary is weak and the Government is unable to provide protection for witnesses of any crime. The Government does not provide shelter, financial support and/or restitution and rehabilitation to trafficking victims.

¶51. Chads trafficking problem is primarily internal. If victims are found and repatriated from a foreign country, the Government of Chad is in theory responsible for making the necessary arrangements for any medical assistance or shelter needed.

¶52. The Government, local communities and international and non-governmental organizations cooperate in combating trafficking. The Governments primary international partner is UNICEF. Non-governmental organizations and human rights groups help identify cases, raise public awareness, and assist victims. These se include: the Chadian League of Human Rights (LTDH), Human Rights without Frontiers (DHSF), Association for Justice and Peace (AJP),

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Catholic Relief Services (CRS), Fight Against Trafficking of Children (LCTE), African Evangelical Youth (JEA), Union of Young Christians (UJC), Diocesan Commissions on Justice and Peace (CDJP), Youth Association Against Divisions (AJAC), Association for Assistance to Street Children of Moyen Chari (AAERMC), Baptist Churches and Youth of Chad (JEBT), Christian Assemblies Youth of Chad (JEACT), Union of Womens Groups (UGF), Islamic Committee (IC), Liaison and Information Unit of Womens Organizations (CELIAF), Association of Women Jurists in Chad (AFJT), Association for Community Initiatives in Africa (APICA), Research and Liaison Department for Catholic Action for Development (BELACD), Local Catholic Radio (Radio Lotiko), Womens Freedom Radio (Femme Liberte), Village Associations (AV), the Notre Temps news ws service, Chadian Association for Mediation of Conflicts Between Farmers and Herders (AMECET), Association for the Promotion of Documentary Information (APIDO), Association for Traditional Chiefs in Chad (ACTT), and Youth Scout Movement (KEMKOUGUI).
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